

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT PORTER,	)	
	)	Civil Action No. 04 - 1228
Plaintiff,	)	
	)	Judge Thomas M. Hardiman /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
A. KING, Correction Officer; ORENBAUN,	)	Doc. Nos. 53
Correction Officer; CONNOR, Correction	)	
Officer; MARK CAPOZZA, Unit Manager;	)	
DURCO, (Sergeant); THE LIEUTENANT;	)	
and THE SERGEANT	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, Robert Porter, filed a "Motion to Have Amended Complaint Served on Defendant" (Doc. No. 53) on March 26, 2007. While Plaintiff did file a "Motion for Leave to File an Amended Complaint" (Doc. No. 50) on March 20, 2006, the Court interpreted the motion as leave to amend the caption. The motion was granted and the Clerk of Court amended the caption so the Defendant "The Sergeant" was changed to Defendant "Sergeant Negley". Counsel from the Office of the Attorney General has entered an appearance on behalf of Defendant Sergeant Negley, rendering the motion on service moot. Therefore,

**IT IS ORDERED** this 27<sup>th</sup> day of March, 2007, that Plaintiff's "Motion to Have Amended Complaint Served on Defendant" (Doc. No. 53) filed on March 26, 2007, is **DENIED** as moot.

**IT IS FURTHER ORDERED** that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

  
Lisa Pupo Lenihan  
U.S. Magistrate Judge

cc: ROBERT R. PORTER  
DU-6434]  
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Counsel of record.